

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN re VIRGIN MOBILE USA IPO  
LITIGATION

This document relates to:

## ALL ACTIONS

LEAD CASE NO: 2:07-cv-10589-TPG

(SECURITIES CLASS ACTION)

2 WEST, INC., On Behalf of Itself and All  
Others Similarly Situated,

Plaintiff,

V.

VIRGIN MOBILE USA, INC., DANIEL H. SCHULMAN, JOHN D. FEEHAN, JR., LEHMAN BROTHERS, INC., MERRILL LYNCH PIERCE FENNER & SMITH, INC. and BEAR STEARNS & CO., INC.

Defendants.

DOCKET NO.: 1:07-cv-11625-UA

**MOTION OF THE VOLPE GROUP TO CONSOLIDATE ANY FUTURE RELATED ACTIONS; TO BE APPOINTED LEAD PLAINTIFF; AND TO APPROVE PROPOSED LEAD PLAINTIFF'S CHOICE OF COUNSEL**

The Volpe Group (or “Movant”) respectfully moves this Court for an order: (1) consolidating all future related actions; (2) appointing Movant as Lead Plaintiff in this action pursuant to Section 27(a)(3)(B) of the Securities Act of 1933 (the “Securities Act”), as amended by Section 101(a) of the Private Securities Litigation Reform Act of 1995 (“PSLRA”); and (3) approving its selection of the law firm of Kahn Gauthier Swick, LLC (“KGS”), and Carella Byrne Bain Gilfillan Checchi Stewart & Olstein, P.C. (“Carella Byrne”) as Co-Lead Counsel for the Class.

The Volpe Group makes this Motion on the belief that it is the most “adequate plaintiff” as defined in the PSLRA because:

1. it has the largest financial interest in the relief sought by the Class and has incurred substantial losses in the amount of \$215,124.67 as a result of its purchases of Virgin Mobile USA, Inc.. stock during the Class Period, and
2. it satisfies the typicality and adequacy requirements of Fed. R. Civ. P. Rule 23.

The Volpe Group further requests that the Court approve the selection of its counsel, KGS and Carella Byrne, as Co-Lead Counsel for the Class. This firm has actively investigated the allegations raised against Defendants. KGS and Carella Byrne are nationally-recognized law firms with significant class action, fraud, and complex litigation experience, and are firm with the resources to effectively and properly pursue this action.

**WHEREFORE**, for all of the reasons set forth herein and in the Memorandum of Law and the Miller Declaration submitted herewith, the Volpe Group respectfully requests that this Court: (1) consolidate all future related actions with the instant case; (2) appoint the Volpe Group as Lead Plaintiff pursuant to Section 27(a)(3)(B) of the Securities Act of 1933, as amended by the PSLRA; (3) approve the Volpe Group’s selection of Co-Lead Counsel for the Class; and (4) grant such other and further relief as the Court may deem just and proper.

Dated: January 22, 2008

Respectfully submitted,

KAHN GAUTHIER SWICK, LLC

By: /s/ Kim E. Miller  
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And

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*Counsel for the Volpe Group and Proposed  
Co-Lead Counsel for the Class*

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*Counsel for the Volpe Group and Proposed  
Co-Lead Counsel for the Class*

**CERTIFICATE OF SERVICE**

I hereby certify that this Motion was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on January 22, 2008.

/s/ Kim E. Miller  
Kim E. Miller

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Defendants.

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**[PROPOSED] ORDER CONSOLIDATING RELATED ACTIONS; APPOINTING LEAD  
PLAINTIFF; AND APPROVING PROPOSED LEAD PLAINTIFF’S CHOICE OF  
COUNSEL**

Having considered the motion of the Volpe Group to consolidate all future related cases, to be appointed Lead Plaintiff, and to approve proposed Lead Plaintiff's choice of counsel, and all papers in support thereof and in opposition thereto, and oral argument, if any, and good cause appearing therefor:

1. The Actions are hereby consolidated;
2. The Volpe Group is hereby appointed Lead Plaintiff for the Class pursuant to Section 27(a)(3)(B) of the Securities Act of 1933; and
3. The law firms of Kahn Gauthier Swick, LLC and Carella Byrne Bain Gilfillan Checchi Stewart & Olstein, P.C. are hereby appointed Co-Lead Counsel for Lead Plaintiff and the Class.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE THOMAS P. GRIESA  
UNITED STATES DISTRICT JUDGE